

**IN THE HIGH COURT OF TRIPURA
AGARTALA**

W.P(C) No.51 of 2012

Shri Chittesh Dasgupta,
(SPF No-26689), Ex-Manager
(Operation), Teliamura Branch,
West Tripura

-at present residing at
Arundhutinagar, P.O. A.D. Nagar,
P.S. Amtai, West Tripura

..... **Petitioner**

- V e r s u s -

- 1. The United Bank of India,**
16, Old Court House Street,
Kolkata- 700001,

-at present 11, Hemanta Basu
Sarani, represented by the
Chairman & Managing Director
- 2. The General Manager (Resource),**
United Bank of India, Old Court House
Street, Kolkata – 700001,

-at present 11, Hemanta Basu Sarani
- 3. The Chief Regional Manager,**
United Bank of India, Durga Bari
Road, Agartala – 799001, Tripura
- 4. The Branch Manager,**
United Bank of India, Teliamura
Branch, P.O. & P.S. Teliamura,
West Tripura

.....**Respondents**

**B E F O R E
THE HON'BLE MR. JUSTICE S. TALAPATRA**

For the petitioner	:	Mr. A. Dasgupta, Advocate.
For the respondents	:	Mr. D.R. Choudhury, Advocate Mr. D. Deb, Advocate
Date of hearing	:	28.09.2015
Date of delivery of	:	23.11.2015

Judgment & Order
Whether fit for reporting

:

YES	NO
√	

JUDGMENT & ORDER

By means of this writ petition, the petitioner who was a Scale-II officer in the United Bank of India, the UBI in short, has challenged the departmental proceeding as was drawn against him by the chargesheet No. PD/VIG/DIR/1601/169/2009 dated 09.01.2009 by the Disciplinary Authority and prayed for his reinstatement assumably on interfering the order of the disciplinary authority under No.PD/DIR/1601/6346/2009 dated 08.07.2009 and the order of the appellate authority under No. No.PD/DIR/1601/9384/ 2009 dated 20.10.2009.

[2] The undisputed facts as emerged from the records are that while the petitioner was posted at Teliamura Branch of the UBI as the Manager (Operation) he had overdrawn an amount of Rs.1,60,000/- (Rupees One lac Sixty thousands) from his overdraft account bearing No.340016 though he had no such amount in his credit on the day of withdrawal. The petitioner has in the writ petition admitted specifically that he did never deny the said fact on any occasion. Even the Branch Manager did not ask him to repay the excess amount with the chargeable interest within a stipulated period.

[3] According to the petitioner, since he was never entrusted with the work of the Branch Manager, he had no access to manipulate the process. It is the exclusive domain of the Branch Manager to deal with all types of loans and advance and

authority of exclusive supervision of day to day transaction in the accounts of overdraft and cash credit along with the other financial matters related to the officers and the staffs of the branch. All entries to the overdraft account of the officers of the branch are made by the clerks (Computer Operators) at the instruction of the Branch Manager of the Bank. The Manager (Operation) has nothing to do with those affairs. He is neither the sanctioning authority nor the passing officers of the cheque related to the overdraft/cash credit accounts.

[4] Having discovered that the petitioner had overdrawn the said sum, the Branch Manager of UBI, Teliamura lodged a written complaint against him on 07.08.2008 before the Officer-in-Charge of the Teliamura P.S. alleging that the petitioner had fraudulently misappropriated the bank money and cheated the bank. Thus, Teliamura P.S. case No.43 of 2008 corresponding G.R Case No.171 of 2008 was registered under Section 409 of the I.P.C. The petitioner surrendered in the court of the Sub-Divisional Judicial Magistrate, Khowai and he was remanded to the jail custody and released on bail subsequently on 31.12.2008. On 15.04.2008, the petitioner was suspended in contemplation of a departmental proceeding.

[5] The writ petition has been drawn up in a slipshod manner. Even there is no specific challenge against the inquiry report, the final order of the disciplinary authority and the order of

the appellate authority which emerged before filing of the writ petition. But it has not been denied by the petitioner that the disciplinary proceeding was drawn up against him by the chargesheet bearing No. PD/VIG/DIR/1601/169/2009 dated 09.01.2009 on the following allegations:

1. (a) Tripura R.O. vide memo Nos.TRO/ADM/6919/2008 dated 14.02.08 and TRO/ADM/6921/2008 dated 14.02.08 had sanctioned Rs.900/- and Rs.2193/- against TA/TE Bill submitted by you. Out of the said sanctioned amount (Rs.3093/- in aggregate), you were eligible to get credit of Rs.1293/- only after adjustment of Temporary Advance of Rs.1800/-. However, on 27.02.08, instead of crediting the said Rs.1293/-, you had posted and authorized credit entry of Rs.1,01,293/- in your OD account No.340016 with user-Id 'MGR'. Subsequently, with the aforesaid excess credit of Rs.1.00 lacs in his OD A/c No.340016 you had withdrawn Rs.1.05 lacs on 01.03.08 vide cheque No.201210. His such act tantamount to misappropriation of Bank's fund.

(b) To cover up the aforesaid fraudulent transaction, you deliberately suppressed the discrepancy of Rs.1.00 lac between the Over Draft ledger balance and Overdraft Sub-head in G.L. while undertaking day-end process on 27.02.08.
2. (a) On 06.02.08, you had withdrawn Rs.5000/- in cash vide cheque No.201207 from your OD account No.340016 without debiting your said OD account.

(b) Further, on 06.02.08, a credit entry of Rs.55,000/- was posted & authorized by you in your OD account No.340016 by using user-id 'MGR' without raising any corresponding voucher. The above fictitious credit entry of Rs.55000/- was done with an intention to clear two cheques vide Nos. 201204 and 201205 on 19.02.2008 for Rs.39094/- and Rs.31113/- respectively both drawn in

favour of LICI since the outstanding balance in his OD account was not sufficient to honour the aforesaid cheques.

(c) Day end process on 06.02.08 was also done by you suppressing the aforesaid discrepancy of Rs.60,000/- between the OD ledger balance and Overdraft Sub-head in G.L.

(d) Being Manager (Op) of the Branch, you had failed to ensure daily checking of vouchers, Access Log, Manual Journal, Exceptional Transaction log in the Branch.

3. Being Manager (Op) of the branch, you failed to maintain Pass Word Register. You were using generic user-Id 'MGR' in the branch, which had been strictly prohibited in terms of Bank's circular No.VIG/PC/8/OM-0211/06-07 dated 13.07.2006.

4. You had submitted false Balance Reconciliation certificate for the month of January, 08 and February, 08 to the Regional Office despite the fact that OD account was un-reconciled during the said period.

Thus you had misappropriated the bank's fund for your personal gains & purpose and exposed the Bank to reputational risk.

[6] As it appears that the petitioner denied the charge as brought in the form of allegations and as a result, an inquiry was launched. The inquiry officer on completion submitted his report on 11.06.2009. It transpires from the said report, Annexure-6 to the writ petition, that the proceeding was carried on in presence and on active participation of the petitioner. Despite the inquiry officer provided the petitioner opportunity to cross examine or re-cross-examine the witnesses but he declined to do so. As the petitioner did not submit the relevant documents, this Court has to rely on the final order dated 08.07.2009, Annexure-7 to the

writ petition to have the relevant material inasmuch as nowhere in the writ petition the recording of the evidence has been questioned. The said inquiry report was sent to the petitioner by the disciplinary authority on 11.06.2009 for enabling him to submit representation on the findings of the inquiry officer and the petitioner submitted such representation on 01.07.2009. As recorded in the said final order the petitioner had submitted as under:

(I) E.O. in Para-4 of Page-4 of his report has contended that the balance in OD A/c. was inflated by you to the extent of Rs.1.00 lac on 27.02.2008. This particular assertion of E.O. does not have any backing of documents and deposition which have come on record. This is a fact that you had withdrawn Rs.1.05 lac from the O/D A/c. but the charge of inflating the balance has not been proved. In Para-6 of Page -4 of E.O's Report, E.O. has relied upon certain assumptions which do not have any material value in departmental proceedings. For instance, E.O. is telling that 'he (CSO) should verify his credit entries and should report the fictitious entries, if any, to his higher officials'. This is a new ingredient of allegation which has been initiated by E.O. in his report. This observation of E.O. is outside the orbit of charge-sheet.

(II) Same is the position in respect of withdrawal of amount of Rs.5,000/- and passing of cheques issued in favour of LICI. You have never denied that the cheques were issued by you and that money was paid to the directed payees. You have however disputed that the balances in your O/D A/c. were inflated by you because all such entries have been authorized under the generic-ID of MGR. The technical implication is that the said ID may be used by any one else including or excluding you. In other words there is an atmosphere of cloud and uncertainty and the benefit of it should go to you. The contention of E.O. that you should be aware of all fictitious entries is very unreliable from the practical point of view.

(III) You have expressed your gratefulness to E.O. when the EO says that the charge pertaining to use of generic ID has not been proved. You have extended the scope of such finding to other charges also. Teliamura was a large branch having brisk banking transactions. Rightly or wrongly, the entire operation was being authorized by extensive use of the generic 'ID-MGR'. E.O. in last page of his report has admitted that you cannot be made responsible for it since Senior Manager of the branch was not also aware that use of generic-ID for such a long period was prohibited by the Bank. In such a situation a question normally comes as to who is exactly responsible for what. In this context, it can never be concluded that you are responsible for alleged inflation of balances.

(IV) It has already come on record that the Balance-Reconciliation Certificate was jointly signed by you and the Senior Manager but it has never been proved that the certificate was prepared in your handwriting. The reporting fact was prepared in the handwriting of the Senior Manager MW in course of Cross-Examination tactfully avoided the issue by saying that the handwriting was not known to him. Even in this context it can be argued that the charge against you is not proved beyond doubt.

(V) E.O. has tried to put on record that deposit of money by you is an acceptance of the responsibility of misappropriation. You have thoroughly contradicted this particular contention on the following grounds:

(a) In several cases you have not passed the instruments.

(b) In all cases the entries have been authorized by generic ID-MGR which is free for all.

(c) You received the money but the allegation of inflation of balance by you has not been proved.

(d) When in the process of reconciliation the irregularities surfaced, you immediately deposited the money. It is replenishment of fund and not misappropriation.

[7] The disciplinary authority while affirming the finding of the inquiry officer has observed that the writ petitioner was the only beneficiary of the credit and he had withdrawn the amount to his O/D account. If he had no intention to act prejudicially against the bank he would rectify that crediting entry of Rs.1,01,293/-. Thus, it has been inferred that for having pushed the questioned transaction, by inflating the actual amount from Rs.1,293/- to Rs.1,01,293/- to the credit of the petitioner. The petitioner being the beneficiary of that credit has been held guilty. For purpose of illustration and to understand the modus as alleged, two passages being Para-1 (a) (part) and Para-2 are being extracted hereunder:

"1(a) It is observed from ME 23 (MEMO No.TRO/ADM/6919/2008 dated 14.02.2008 and TRO/ADM/6921/2008 dated 14.02.2008) that vide the said sanction, the Dy. Regional Manager, Tripura Regional Office had sanctioned amounts of Rs.900/- and Rs.2193/- respectively against the TA Bills submitted by you. It is observed from ME 27 (credit voucher dated 27.02.2008) that the said voucher was prepared for Rs.1293/ for credit to your O.D. account No.340016 after adjusting the temporary advance of Rs.1800/- out of the total payable amount of Rs.3093/-. It is observed from ME 17 (statement of account of your O.D. account No.340016) that on 27.02.2008 (year wrongly mentioned 5708) an amount of Rs.101293/- has been credited to your said O.D. account. It is observed from page 104 of ME 13 (transaction log for 27.02.2008) that the G.L. head of O.D. account was credited by Rs.1293. It is found from ME 14 (certificate dated 29.11.2008 of the Branch Manager) that you had checked and signed the Daily Rough Cash Book, Sub-Cash Book, Clean Cash Book of the Branch. It is found that the said transaction was put through under the operator as well as supervisor ID of 'MGR'. It is observed from the Enquiry Officer's report that you in your deposition have confirmed having withdrawn Rs.1,05,000/- from his O.D. account on 01.03.2008.

2. It is observed from ME 8 (self Cheque No. 201207 dated 06.02.2008) that you had withdrawn the amount of Rs.5,000/- from O.D account No.340016; whereas it is found from ME 17 (statement of account) that there has not been any debit of Rs.5,000/- on 06.02.2008 from your O.D. account.

It is found from ME 17 that the same shows the credit of Rs.55,000/- in your O.D. account No.340016 on 06.02.2008 by cash. However, ME 6 (Cash Receipt Register) does not reveal receipt of any cash to the tune of Rs.55,000/- for credit to your said O.D. account. It is found that MEs 7 (Cheque No.201204 for Rs.30994/- dated 21.01.2008 and cheque No.201205 for Rs.31113/- dated 29.01.2008, both drawn in favour of LICI) were passed for payment from your said O.D. account No.340016 on 19.02.2008. It is observed that before credit of the said amount of Rs.55,000/- on 06.02.2008, the balance in the account stood at Rs.339854.35 as on 02.02.2008 against the permitted limit of Rs.3,50,000/-. Thus, had the disputed amount of Rs.55,000/- not been credited to your O.D. account on 06.02.2008, the payment of the aforementioned two cheques favouring LICI would have exceeded the permitted limit of Rs.3.50 lac. It is found from the enquiry report that the said cheques were passed for payment by you. It is also found from ME 14 that the checking of Sub-cash Book, Rough Cash Book, Clean Cash Book and General Ledger was done by you only. It is observed from ME 16 (position of balances of accounts of Teliamura Branch for the month of February, 2008) that the said fictitious entries did not get reflected in the balance reconciliation statement submitted by you to the Regional Office. I observe that you in your submission have tried to take resort to the fact that since the aforesaid fictitious transactions were put through in the system by using Generic User ID 'MGR' you cannot be made responsible for such entries. In my opinion the fictitious entries had benefited you only and you were the Officer who had checked the Sub-Cash Book, Rough Cash Book, Clean Cash Book and General Ledger of the Branch on 06.02.2008. Again going by the concept on preponderance of probability, I hold you guilty of having put through the said fictitious transactions."

[8] By the final order dated 08.07.2009 the major penalty of compulsory retirement in terms of Regulation 4(h) of

United Bank of India Officer/employees (Discipline & Appeal) Regulations, 1976 was imposed on the petitioner. It has been further ordered that he will not be entitled to pay and allowance for the period of suspension other than what has been paid to him by way of subsistence allowance and the period of suspension shall not be treated as on duty and that period would also not count for any increment due to him.

[9] The petitioner being aggrieved by that final order dated 08.07.2009 as passed by the disciplinary authority, the Assistant General Manager (Economic Research) filed an appeal to the Deputy General Manager and Chief Regional Manager (Kolkata, North). The appellate authority, the United Bank of India has re-scrutinized the records and concurred with the findings of the Disciplinary Authority.

[10] The petitioner has raised numerous grounds of objection. The petitioner has alleged that the inquiry was made in a hasty manner and without affording reasonable opportunities as required by the said Regulations, 1976. The petitioner was not allowed inspection of documents used against him. According to the petitioner, the inquiry was completed virtually within a day. The petitioner has also raised certain objection as to the finding returned by the disciplinary authority on the basis of the report of the inquiry officer. Categorically it has been objected that the finding as to the discrepancy of Rs.1.00 lac between the overdraft

ledger balance and overdraft surveyed in General Ledger while undertaking day-end process on 27.02.2008. Such finding, according to the petitioner, is without any basis or proof. The petitioner has further stated that there is no evidence that at any level the petitioner was responsible for passing any cheque or posting any entry in the O.D. account. The petitioner thereafter has raised objection as to the proportionality of the penalty. The appellant authority on consideration of the records of the inquiry officer as well as the disciplinary authority has observed that:

"I observe from the records of enquiry that vide order dated 10.03.2009, the Disciplinary Authority had appointed Sri Rabindra Nath Gangopadhyay as the Enquiry Officer to inquire into the allegations levelled against the appellant vide charge sheet dated 09.01.2009. The enquiry was held at Bank's Tripura Regional Office on 20.04.2009 & 21.04.2009. The appellant had participated in the enquiry with his Defence Representative. I also observe that the documents placed in the enquiry were handed over to the appellant/his Defence Representative and the Defence side was afforded all the opportunities to defend the case including cross-examination of both the Management Witnesses. Thus, having been notified by the Disciplinary Authority, the appellant had enough time in his hand to prepare himself/his Defence Representative for defending the case. Moreover, it is observed that 27 numbers of documents were produced in the enquiry as Management Exhibits and in my opinion, the period of one day is sufficient to peruse the said 23 documents for preparation of defence. In fact, the Defence side had also produced two documents as Defence Exhibits which goes to indicate that the Defence Side had thoroughly perused the Management Exhibits. On receipt of the written brief dated 25.04.2009 of the Presiding Officer, the Enquiry Officer had forwarded the same to the appellant for his written arguments on 25.04.2009 itself and the Defence Side submitted their written arguments on 21.05.2009. The Enquiry Officer had arrived at his findings considering the documentary and

oral evidences produced in the enquiry and also the written brief of the Presenting Officer as well as the appellant/his Defence Representative.

Under the circumstances, I hold that the enquiry had been conducted fully observing the principle of natural justice and at every stage thereof, the appellant/his Defence Representative had been afforded the opportunity for defending the case and I also observe that the Defence Side has availed the said opportunity.

As far as the contention of the appellant in regard to use of generic password is concerned, I concur with the observation of the Disciplinary Authority that the fictitious transactions by inflating the actual amount of Rs.1293/- to Rs.101293/- for credit to the appellant's account and those dated 06.02.2008 which were put through by using generic User ID 'MGR' had benefited the appellant only and the appellant was the Officer who had checked the Sub-Cash Book, Rough Cash Book, Clean Cash Book and General Ledger of the Branch on 06.02.2008 and that on the basis of the concept on preponderance of probability, the Disciplinary Authority has held the appellant guilty of having put through the fictitious transactions. In my opinion, the appellant's contention that it could not be established in the departmental enquiry that he had out through the transactions through user ID 'MGR', is not tenable; since the circumstantial evidences coupled with preponderance of probability, which are basic facets of any Departmental Enquiry are sufficient to adjudge as to whether the allegations stood established/not established.

I also observe that the Enquiry Officer has held allegation No.3 as not established in the enquiry and the Disciplinary Authority has also concurred with the finding of the Enquiry Officer, since he is of the observation that it is the duty of the Branch Manager to maintain password register and ensure that the Generic User ID 'MGR' is not used by anybody in the Branch. The above leads me to arrive at the observation that both the Enquiry Officer and the Disciplinary Authority have applied their mind fully and after complete and thorough analysis of the evidences produced, depositions made in the enquiry by both the Management Witnesses, written brief of the Presenting Officer and that of the appellant, the Enquiry Officer has the allegations Nos.1,2 & 4 as established and allegation No.3 as not

established. I also observe that the Disciplinary Authority after careful observation of the Enquiry Report along with the proceedings of the enquiry, documents produced by both the sides and also the submission of the appellant on the findings of the Enquiry Officer has imposed the penalty of 'Compulsory Retirement' upon the appellant, since I also concur with the observation of the Disciplinary Authority that instead of protecting Bank's interest, the appellant had rather taken advantage of his high position in the branch for unlawful financial gains and by such acts, the appellant has proved himself unworthy of holding a responsible position in the Bank and also that the Bank, being an institution dealing with public money, cannot repose confidence on the appellant.

In view of the above observation and considering the nature and gravity of the misconduct proved in the properly constituted departmental inquiry against Sri Chittesh Dasgupta, I do not find any cogent reason for modification of the quantum of punishment imposed upon him by the Disciplinary Authority. The quantum of punishment appears to be appropriate, proper and also in commensurate with the gravity of the misconduct. I, therefore, affirm the punishment of 'Compulsory Retirement' mentioned under Para-2 above, as imposed upon Sri Chittesh Dasgupta by the Disciplinary Authority."

[11] Thus, it is apparent that even the appellate authority has cautiously and carefully appreciated the materials on record and only on such re-appreciation the final order passed by the disciplinary authority has been affirmed by the appellate authority.

[12] While the petitioner raised serious objection as to the observance of principles of natural justice it has been strangely submitted by the petitioner by filing a synopsis of argument, supported by an affidavit, that:

"It should be pertinent to mention here that the local authority, the Enquiry Officer, Presenting Officer even the defence assistant given an understanding to the petitioner that the entire proceeding was an empty formality and the authority would not taken any action against the Delinquent Officer (petitioner) as they had understood that he had not committed any offence. They advised him not to oppose the proceeding and then and then only the Enquiry Officer would recommend in favour of the petitioner. Accordingly, the petitioner accepted their proposal and steps though he could not digest it. The petitioner in support of his claim like to draw the attention of the High Court that the entire departmental proceeding was completed within 24 hours."

This Statement has not been seriously taken by this Court inasmuch as on scrutiny of the records as produced with the writ petition and in absence of any specific objection as to their correctness it has been found that the petitioner even did not specifically ask for inspection of records, neither did he cross-examine the witnesses and on being specifically asked by the inquiry officer he denied to do so. Thereafter, the petitioner cannot legitimately expect that his plea of non-affording the reasonable opportunity would be accepted by any court. Even if he may to some extent be right that the procedure was hasty. In this regard, what has been observed by the apex court in **Brajendranath Vargava vs. Ramchandra Kalshiwal**, reported in **(1998) 9 SCC 169** appears relevant in this context. The apex court has succinctly held, while interfering a decision of the Bar Council of India, which reversed the finding of the State Bar Council on interpreting two rules, that technical objection should not weigh because what is important is to ascertain if the person

accused of misconduct was guilty of misconduct. If yes, to ensure that he is visited with some penalty.

[13] In **Syndicate Bank vs. General Secretary, Syndicate Bank Staff Association and another**, reported in **(2000) 5 SCC 65**, the apex court has laid down two principles as to the gamut of natural justice as under:

"13. In *Bharat Forge Co. Ltd. vs. A.B Zodge* : (1996) 4 SCC 347 the management was denied by the Industrial Tribunal to lead evidence in support of the impugned order of dismissal. It was not disputed that the request was made before the closure of the proceedings before the Tribunal. This Court held:

'A domestic inquiry may be vitiated either for non-compliance of rules of natural justice or for perversity. Disciplinary action taken on the basis of a vitiated inquiry does not stand on a better footing than a disciplinary action with no inquiry. The right of the employer to adduce evidence in both the situations is well recognised. So the employer is entitled to adduce evidences, for the first time, before the Tribunal even if the employer had held no inquiry or the inquiry held by the employer is found to be perverse.

14. Two principles emerge from the decisions : (1) principles of natural justice and duty to act in a just, fair and reasonable manner have to be read in the Certified Standing Orders which have statutory force. These can be applied by the Labour Court and the Industrial Tribunal even to relations between the management and workman though based on contractual obligations; and (2) where domestic inquiry was not held or it was vitiated for some reason the Tribunal or Court adjudicating an industrial dispute can itself go into the question raised before it on the basis of the evidence and other material on record."

[Emphasis Supplied]

[14] The grounds those are emphasised by the petitioner that his act of overdrawing the said sum from the overdraft account does not constitute any misconduct inasmuch as the overdrawal would mean in this case a loan in view of the standing circular of the bank and the bank may realise the said amount with penal interest. For this purpose, reference has been made to a circular under No.TRO/ADV/101/2005 dated 05.11.2005, Annexure-5 to the writ petition. Thus, the petitioner contended that only recourse that was available to the respondent is to realise that amount from him with penal interest. Such act does neither constitute misconduct nor any criminal offence. The petitioner has been made a scapegoat to shield the persons who are responsible for faulty transaction. This submission of the petitioner has been seriously disputed by the respondents and stated that the allegations against the petitioner formed serious misconduct. The petitioner has been given all due opportunities but he denied to defend himself. He himself has admitted that he had withdrawn the said amount. The respondents have categorically stated that the petitioner's overdraft account was opened without any collateral securities or additional securities. As such, that circular dated 05.11.2005 does not have any relevance in that context. That apart, the petitioner caused deliberate concealment of the fact that he was not aware to the position of his O.D. account or there had been no scope to handle the O.D. account. As the definition of the misconduct as not available in the

said regulation that has been supplemented by the Clause-19.5 under Chapter XIX of the bipartite agreement. It is to be noted that in response to the written argument filed by the petitioner, the respondents No.1 to 4 has also filed a written argument. The petitioner has also filed a rebuttal thereto. This Court has considered all the materials and finds that the petitioner's admission as to the overdrawal and the evidence as placed for having established the questioned transaction, by inflating the actual amount of Rs.1,293/- to Rs.1,01,293/- for credit to the account of the petitioner. Since he was the beneficiary of that credit and since he has not corrected such entry by bringing the same to the notice to the competent authority, by the standard of preponderance of the probabilities the disciplinary authority has not committed any wrong by holding the petitioner guilty of the misconduct of interfering with the integrity of the system and having the said amount in his O/D account. By affirming to that finding the appellate authority did not commit any wrong. It is well settled principle that unless it is a case of no evidence or there is denial of principles of natural justice, in the garb of the judicial review this Court would not convert its jurisdiction to that of an appellate proceeding. As stated already, the appellate authority has considered all the objections as raised by the petitioner.

[15] Having held so, this Court is not inclined to interfere the final order dated 08.07.2009, Annexure-7 to the writ petition or the appellate order dated 20.10.2009, Annexure-8 to the writ petition or any part thereof. So far the question of the proportionality is concerned, this Court is of the view that appellate authority has rightly observed that the petitioner had taken advantage of his position for unlawful financial gains and by such act he has proved himself unworthy of holding a responsible position in the bank and the bank, being a public institution dealing with public money, cannot repose the confidence on such officer.

[16] In the result, the writ petition stands dismissed. However, there shall be no order as to costs.

JUDGE

Sujay